

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2192**

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**Introduced by Assembly Member Melendez**

February 20, 2014

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An act to ~~amend Section 17960.1 of~~ *add and repeal Section 17960.3* to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as amended, Melendez. Housing: building ~~plans~~ *permits*.

Under existing law, the building department of every city or county is required to enforce the provisions of the State Building Standards Code, the State Housing Law, and the other rules and regulations promulgated pursuant to that law pertaining to, among other things, the erection, construction, reconstruction, or repair of apartment houses, hotels, or dwellings. Existing law permits the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function. Existing law, when there is excessive delay in checking plans and specifications submitted as part of an application for a residential building permit, requires the local agency, upon the applicant's request, to contract with or employ a private entity or persons temporarily to perform the plan-checking function, as specified.

This bill would *establish a 5-year pilot project in 3 unspecified local agencies that would permit the governing body of a local agency to authorize a building department to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect, for specified types of projects.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 17960.3 is added to the Health and Safety  
2     Code, to read:

3     17960.3. (a) A pilot project is established in three local  
4     agencies in which the governing body of a local agency may  
5     authorize a building department to create and implement a  
6     program whereby a building permit may be issued upon submission  
7     of plans prepared by an architect and reviewed by another  
8     unaffiliated architect.

9     (b) This section shall apply only to the following project types:

10    (1) Single-family dwellings not more than two stories and  
11    basement in height.

12    (2) Multiple dwellings containing no more than four dwelling  
13    units of not more than two stories and basement in height.

14    (3) Garages or other structures appurtenant to buildings  
15    described in this paragraph, not more than two stories and  
16    basement in height.

17    (4) Agricultural and ranch buildings, unless the building official  
18    having jurisdiction deems that an undue risk to the public health,  
19    safety, or welfare exists.

20    (c) For the purposes of this section, “local agency” means a  
21    city, county, or city and county.

22    (d) This section shall remain in effect only until January 1, 2020,  
23    and as of that date is repealed, unless a later enacted statute, that  
24    is enacted before January 1, 2020, deletes or extends that date.

25    ~~SECTION 1. Section 17960.1 of the Health and Safety Code~~  
26    ~~is amended to read:~~

27    ~~17960.1. (a) The governing body of a local agency may~~  
28    ~~authorize its enforcement agency to contract with or employ a~~  
29    ~~private entity or persons on a temporary basis to perform the~~  
30    ~~plan-checking function.~~

31    ~~(b) A local agency need not enter into a contract or employ~~  
32    ~~persons if it determines that no entities or persons are available or~~  
33    ~~qualified to perform the plan-checking services.~~

34    ~~(c) Entities or persons employed by a local agency may, pursuant~~  
35    ~~to agreement with the local agency, perform all functions necessary~~

1 to check the plans and specifications to comply with other  
2 requirements imposed pursuant to this part or by local ordinances  
3 adopted pursuant to this part, except those functions reserved by  
4 this part or local ordinance to the legislative body. A local agency  
5 may charge the applicant fees in an amount necessary to defray  
6 costs directly attributable to employing or contracting with entities  
7 or persons performing services pursuant to this section which the  
8 applicant requested.

9 (d) When there is an excessive delay in checking plans and  
10 specifications submitted as a part of an application for a residential  
11 building permit, the local agency shall, upon request of the  
12 applicant, contract with or employ a private entity or persons on  
13 a temporary basis to perform the plan-checking function subject  
14 to subdivisions (b) and (e):

15 (e) (1) The governing body of a local agency may create and  
16 implement a program whereby a building permit may be issued  
17 upon submission of plans prepared by an architect and reviewed  
18 by another unaffiliated architect.

19 (2) This subdivision shall apply only to the following project  
20 types:

21 (A) Single-family dwellings not more than two stories and  
22 basement in height.

23 (B) Multiple dwellings containing no more than four dwelling  
24 units of not more than two stories and basement in height.

25 (C) Garages or other structures appurtenant to buildings  
26 described in this paragraph, not more than two stories and basement  
27 in height.

28 (D) Agricultural and ranch buildings, unless the building official  
29 having jurisdiction deems that an undue risk to the public health,  
30 safety, or welfare exists.

31 (E) Nonstructural or nonseismic storefronts, interior alterations,  
32 or additions:

33 (f) For purposes of this section:

34 (1) "Enforcement agency" means the building department or  
35 building division of a local agency.

36 (2) "Excessive delay" means the enforcement agency of a local  
37 agency has taken either of the following:

38 (A) More than 30 days after submittal of a complete application  
39 to complete the structural building safety plan check of the  
40 applicant's set of plans and specifications which are suitable for

1 checking. For a discretionary building permit, the time period  
2 specified in this paragraph shall commence after certification of  
3 the environmental impact report, adoption of a negative declaration,  
4 or a determination by the local agency that the project is exempt  
5 from Division 13 (commencing with Section 21000) of the Public  
6 Resources Code.

7 (B) Including the days actually taken in (A), more than 45 days  
8 to complete the checking of the resubmitted corrected plans and  
9 specifications suitable for checking after the enforcement agency  
10 had returned the plans and specifications to the applicant for  
11 correction.

12 (3) "Local agency" means a city, county, or city and county.

13 (4) "Residential building" means a one-to-four family detached  
14 structure not exceeding three stories in height.